

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

C.A. NO.:04-10232WGY

JAMES KEHOE  
Plaintiff

v.

MI-JACK PRODUCTS, INC., ET AL  
Defendants

AFFIDAVIT OF CLARENCE V. LABONTE III, ESQUIRE PURSUANT  
TO LOCAL RULE 37.1 AND LOCAL RULE 7.1(A)(2)

I, Clarence V. LaBonte III, hereby state under the pains and  
penalties of perjury :

1. I am an attorney practicing with the law firm of John P. LeGrand & Associates, P.C. Our office represents the Plaintiff in the above captioned matter, James Kehoe
2. Pursuant to the Local Rules, on April 9, 2004, our office forwarded the attached Plaintiff's Motion to Add Party Defendant to counsel for the Defendant, Mi-Jack Products, Inc., via First Class Mail, and to the Agent or Authorized Representative of Fantuzzi USA, Inc. via Certified Mail, Return Receipt Requested, a copy of proof of mailing and return receipt is attached hereto as Exhibit A as well as a copy of Notice of Intent to Add Party New Party Defendant Pursuant to Local Rule 15.1 and Certificate of Service attached hereto as Exhibit B.
3. Our office has been informed by Defendant Mi-Jack Products, Inc.'s counsel that the Defendant did not oppose the Plaintiff's motion.

4. More than ten (10) days have past since the date the proposed new defendant was served in accordance with Federal Rules of Civil Procedure Rule 5

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS  
21<sup>st</sup> DAY OF APRIL, 2004



Clarence V. LaBonte III  
BBO#641866  
JOHN P. LEGRAND  
&ASSOCIATES, P.C.  
375 Broadway, Suite 2  
Somerville, MA 02145  
(617) 623-3001



**JOHN P. LEGRAND & ASSOCIATES, P.C.**  
ATTORNEYS AT LAW & PROCTORS IN ADMIRALTY

JOHN P. LEGRAND  
ERIC STAFFORD  
CLARENCE V. LABONTE, III

WINTER HILL  
375 BROADWAY, SUITE 2  
SOMERVILLE, MA. 02145

April 9, 2004

(617) 623-3001  
FAX: (617) 623-0101  
E-MAIL ADDRESS:  
LEGRANDLAW@AOL.COM

Agent or Authorized Representative of:  
Fantuzzi USA, Inc.  
999 Oakmont Plaza Drive, Suite 380  
Westmont, IL 60559

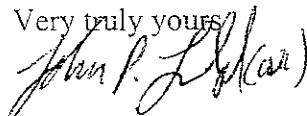
RE: James Kehoe v. Mi-Jack Products and Fantuzzi Reggiane  
United States District Court for the District of Massachusetts C.A. No.: 0410232WGY

VIA CERTIFIED MAIL 7003 1010 0005 3182 0191  
RETURN RECEIPT REQUESTED

Dear Sir/Madam:

In reference to the above captioned matter and pursuant to the Federal rules of Civil Procedure and District of Massachusetts Rule 15.1, enclosed please find copy of Plaintiff's Motion to Amend Complaint so as to Add Party Defendant which we intend to file on Wednesday April 21, 2004, along with Notice of Intent to Add New Party Pursuant to Local Rule 15.1.

Thank you for your attention to this matter.

Very truly yours,  
  
John P. LeGrand

Encls.

Cc: James P. Donohue, Jr. Esquire (via First Class mail)

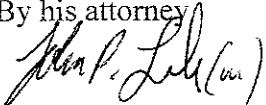
CERTIFICATE OF SERVICE

I, John P. LeGrand, Esquire, hereby certify that on April 9, 2004 in compliance with the applicable rules of the Federal Rules of Civil Procedure and Local Rules for the United States District for the District of Massachusetts, I served a true and exact copy of Plaintiff's Motion to amend Complaint so as to Add Party Defendant, via Certified Mail, Return Receipt Requested to the following individual(s):

Agent or Authorized Representative of:  
Fantuzzi USA, Inc.  
999 Oakmont Plaza Drive, Suite 380  
Westmont, IL 60559

And via First Class Mail to:

James P. Donohue, Jr. Esquire  
SLOANE AND WALSH  
Three Center Plaza  
Boston, MA 02108

Plaintiff  
By his attorney  
  
John P. LeGrand  
BBO#550185  
JOHN P. LEGRAND  
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